

# STATE OF NEW YORK

6242

2019-2020 Regular Sessions

## IN SENATE

May 29, 2019

Introduced by Sen. METZGER -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the real property law, in relation to rent increases in manufactured home parks

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 233 of the real property law is amended by adding a new subdivision y to read as follows:

y. 1. (a) The owner of a manufactured home park may not raise a manufactured home tenant's lot rent above the consumer price index averaged over the most recently available preceding thirty-six month period, unless the proposed rent increase is approved by the division of housing and community renewal and directly related to operating, maintaining, or improving the manufactured home park for the following purposes:

(i) The completion and incurring of costs for any capital improvements or rehabilitation work in the manufactured home park, as distinguished from ordinary repair, replacement, or maintenance. Capital improvements shall include roadway improvements, plumbing and piping infrastructure, community structures, natural disaster recovery. All other maintenance shall be considered ordinary, and shall not be grounds for a rent increase. All rent increases resulting from capital improvements shall expire once the improvement is paid for;

(ii) Changes in property taxes or other taxes within the manufactured home park;

(iii) Changes in utility charges within the manufactured home park;

(iv) Changes in insurance costs and financing associated with the manufactured home park;

(v) Changes in reasonable operating and maintenance expenses relating to the manufactured home park including, but not limited to costs for:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD10803-02-9

1 water service; sewer service; septic service; water disposal; trash  
2 collection; and employee expenses.

3 (b) (i) A manufactured home park owner shall not incorporate the cost  
4 of a civil penalty, criminal fine, or litigation-related costs for rent-  
5 related proceedings into rent charged under any circumstance.

6 (ii) A manufactured home park owner shall not utilize the cost of  
7 capital improvements or rehabilitation work as justification for any  
8 future rental increase once such cost has been fully recovered by rental  
9 increases that were incorporated into a prior rental increase in excess  
10 of the consumer price index and where such prior rental increase was  
11 properly implemented pursuant to this subdivision.

12 (c) When a manufactured home tenant first moves onto a lot in a manu-  
13 factured home park, the tenant shall be offered rent at a rate not  
14 exceeding the average rent for lots similar in size to such lot which  
15 are located within such manufactured home park.

16 2. (a) In addition to the notice required pursuant to paragraph three  
17 of subdivision g of this section, a manufactured home park owner shall  
18 give written notice to the home owners' association, if one exists, and  
19 the division of housing and community renewal at least ninety days prior  
20 to any increase in rent. The notice shall identify all affected manufac-  
21 tured home owners by lot number, name, group or phase. If the affected  
22 manufactured home owners are not identified by name, the manufactured  
23 home park owner shall make the names and addresses available to any  
24 affected manufactured home owner, the home owners' association, if one  
25 exists, and the division of housing and community renewal upon request.

26 (b) (i) If the proposed rent increase exceeds the consumer price  
27 index, the division of housing and community renewal shall schedule a  
28 final meeting between the parties at a mutually-convenient time and  
29 place to be held within thirty days from the mailing of the notice of  
30 the rent increase, to discuss the reasons for the increase. At the  
31 manufactured home park owner's election, the division of housing and  
32 community renewal shall also schedule one or more optional informal  
33 meetings prior to the final meeting. The manufactured home park owner  
34 proposing the rent increase shall recommend to the division of housing  
35 and community renewal a date, time and place of the final meeting and of  
36 any preceding informal meetings, and the division of housing and commu-  
37 nity renewal shall affirm such recommendation with the manufactured home  
38 park owner, if the division finds the date, time and place to be reason-  
39 able. At or before the final meeting the manufactured home park owner  
40 shall, in good faith, disclose in writing all of the material factors  
41 resulting in the decision to increase the rent.

42 (ii) The parties may agree in a writing signed by the manufactured  
43 home park owner and at least one affected manufactured home owner or the  
44 home owners' association to extend or continue any meetings required by  
45 this paragraph to a date specified in the writing and approved by the  
46 division of housing and community renewal as reasonable. Within two  
47 business days of signing an agreement to continue or extend meetings,  
48 the manufactured home park owner shall notify the division of housing  
49 and community renewal of such agreement by forwarding the signed agree-  
50 ment to the division.

51 (c) After the final meeting, any affected manufactured home owner who  
52 has not already accepted the proposed increase, or the home owners'  
53 association on behalf of one or more affected manufactured home owners  
54 who have not already accepted the proposed increase may, within thirty  
55 days from the conclusion of the final meeting, petition the division of  
56 housing and community renewal to appoint an arbitrator to conduct arbi-

1 tration subject to the provisions of article seventy-five of the civil  
2 practice law and rules.

3 3. A manufactured home park owner who raises a manufactured home  
4 owner's rent more than the annual average increase of the consumer price  
5 index for the preceding thirty-six month period without having obtained  
6 approval of the division of housing and community renewal shall be  
7 required to immediately reduce the rent to the amount in effect before  
8 the unauthorized increase and rebate the unauthorized rent collected to  
9 the manufactured home owners with interest.

10 4. Manufactured home park cooperatives shall be exempt from the  
11 provisions of this subdivision.

12 § 2. This act shall take effect immediately.